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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Steve Lemke

Serial No. : 09/769,654

Group Art Unit: 2137

Filed : 01/24/2001

Examiner: FIELDS, C.

For : HANDHELD COMPUTER SYSTEM CONFIGURED TO
AUTHENTICATE A USER AND POWER-UP IN RESPONSE
TO A SINGLE ACTION BY THE USER

AMENDMENT AND RESPONSE

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OCT 26 2004

Technology Center 2100

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

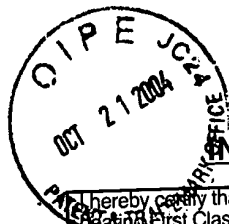
In response to the Office Action mailed 06/17/2004, please enter and consider the following remarks and arguments for the above captioned patent application.

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this transmittal of the below described document is being deposited with the United States Postal Service in an envelope bearing First Class Postage and addressed to the Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450, on the below date of deposit.

Date of Deposit:	09/17/04	Name of Person Making the Deposit:	Jose S. Garcia	Signature of the Person Making the Deposit:	<i>Jose S. Garcia</i>
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In re Application of: Steve Lemke

Application No.: 09/769,654

Examiner: Fields, Courtney D.

Filed: 01/24/01

Art Unit: 2137

Confirmation No.: 3467

For: HANDHELD COMPUTER SYSTEM CONFIGURED TO AUTHENTICATE A USER AND POWER-UP IN RESPONSE TO A SINGLE ACTION BY THE USER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application

☒ Transmitted herewith is a response to an office action for the above identified patent application.
(12 sheets)
Transmitted herewith are _____ sheets of substitute formal drawings.
Other: _____

2. Applicant is other than a small entity

Extension of Term

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(a) [] Applicant petitions for an extension of time under 37 C.F.R. 1.136
(fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

<u>Extension</u>	<u>Fee</u>
[] one month	\$110.00
[] two months	\$420.00
[] three months	\$950.00
[] four months	\$1,480.00

Fee \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(b) [X] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

**Fee Calculation**

The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(for other than a small entity)					
Fee Items	Claims Remaining After Amendment	Highest Number of Claims Previously Paid For	Present Extra Claims	Fee Rate	Total
Total Claims	<u>21</u>	- 21 =	<u>0</u>	x \$18.00	\$0.00
Independent Claims	<u>2</u>	- 2 =	<u>0</u>	x \$86.00	\$0.00
Multiple Dependent Claim Fee (one or more, first added by this amendment)				\$290.00	\$0.00
Total Fees					\$0.00

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5. The full fee due in connection with this communication is provided as follows:

- [x] The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No.: 23-0085.
A duplicate copy of this authorization is enclosed.
- [] A check in the amount of \$
- [] Charge any fees required or credit any overpayments associated with this filing to Deposit Account No.: 23-0085.

Please direct all correspondence concerning the above-identified application to the following address:

WAGNER, MURABITO & HAO LLP
Two North Market Street, Third Floor
San Jose, California 95113
(408) 938-9060
Customer No: 45549

Respectfully submitted,

Date: _____

9/17/2004

By: _____

Jose S. GarciaJose S. Garcia
Reg. No. 43,628